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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,944	06/29/2005	Takao Watanabe	1152-0319PUS1	3801
2292 7590 05/27/2010 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER MARSH, STEVEN M				
ART UNIT 3632		PAPER NUMBER		
NOTIFICATION DATE 05/27/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

# Office Action Summary

**Application No.**

10/540,944

**Applicant(s)**

WATANABE, TAKAO

**Examiner**

STEVEN M. MARSH

**Art Unit**

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 38-68, 80-83 and 90-100 is/are pending in the application.
- 4a) Of the above claim(s) 42, 46, 49, 52, 55, 57, 65 and 68 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 80-83, 99 and 100 is/are allowed.
- 6) ☒ Claim(s) 38-41, 43-45, 47, 48, 50, 51, 53, 54, 56, 58-64, 66, 67 and 90-98 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This is the fifth office action for U.S. Application 10/540,944 for a Thin Design Display Apparatus and Display Unit Detachment Method. Claims 38-68, 80-83 and 90-100 are pending. Claims 42, 46, 49, 52, 55, 57, 65, and are withdrawn.

### *Election/Restrictions*

Claim 99 is allowable. The restriction requirement between Species 1-3, as set forth in the Office action mailed on May 19, 2008, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claim 100, directed to a non-elected species no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable claim.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 38, 43-45, 47, and 48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 38 recites the limitation "the angle of elevation" in the second to the last line. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 38, 43, 45, 47, 91-95 and 97 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 7,014,154 to Jeong et al. Jeong et al. discloses a thin design display apparatus with a stand/pillar structure (25) that has an insert space. There is a thin type display unit (3) and a fitting part (or stand-cum-joint... 23, 31) on the display unit. The display unit is supported by the stand structure in a first usage mode, by inserting the fitting part into the insert space and the display unit includes an integral

grip handle or remote controller holder (75) that can be gripped or used to hold a remote controller for remote controlling display of the display unit. The fitting part is connected to the display unit by a rotatable rotation part (43) and the display unit is supported by the stand/pillar structure, by inserting the fitting part into the insert space and is removable by pulling out the fitting part to separate the display unit from the stand/pillar structure for support on the thin type display unit and the fitting part in a second usage mode (the display could be placed on the edge of a table/desk or the stand portion could be supported in a slot portion in a desk). The fitting part/stand-cum joint also has a length that can stably support the thin type display in the second mode.

Rotation of the fitting part (at 29) adjusts the angle of elevation of the display unit in the first and second usage modes. One of the fitting part and stand/pillar structure has a recess (100) and the other has a projection (110) so as to guide an insertional direction and removal by cooperation of the fitting part at the insert space of the stand/pillar structure. There is an elastic member (120) on the second portion of the fitting part that can operate as a removal prevention device for selectively preventing removal of the fitting part from the insertion space and the stand structure is a base and pillar projecting from the base.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 39-41, 50, 51, 53, 54, 56, 58, 59, 61-64, 66, 90 and 96-98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeong et al. in view of U.S. Patent 4,690,362 to Helgeland. Jeong et al. does not disclose an anti removal device for preventing removal of the fitting part and a removal prevention releasing device for canceling the removal prevention against the fitting part by the anti removal device. Helgeland discloses an adjustable stand with a stand/pillar structure (8) that has an insert space, a display unit (3), and a fitting part (or stand-cum-joint... 9) on the thin type display unit. There is an anti removal device (16, 17) for preventing removal of the fitting part and a removal prevention releasing device (5) for canceling the removal prevention against the fitting part by the anti removal device. The gear (16) acts as an actuator shiftable towards and away from the base and movable parallel to a longitudinal axis of the fitting part.

The front end of the fitting part with respect to an insertion direction is provided with an elastic member (15) at a distal end of the stand-cum-joint and the fitting part could be separated from the stand/pillar structure. A cross section of a distal end of the fitting part is an elongate shape that is longer in a direction of a rotational axis than in a direction perpendicular to the rotational axis. One of the stand-cum-joint and the insert space of the stand/pillar structure has a recess and the other has a projection (the grooves and projections of gears 16 and 17) so as to guide an insertional direction and removal by a cooperation of the stand-cum-joint and the insert space of the stand/pillar structure.

Because both Jeong et al. and Helgeland teach devices for vertically adjusting a fitting part and a stand/pillar structure relative to one another, it would have been obvious to one of ordinary skill in the art to substitute one movement control device for the other to achieve the predictable result of adjust the elevation of the fitting part relative to the stand/pillar structure. The resultant structure has an elevation angle restraining portion (the gears) that makes a difference in permissible range of an angle of elevation of the display unit relative to the stand-cum-joint between the first configuration and second configuration, and there is an indicating means (a user can view the display relative to the rotation joint) for informing a user of a fact that a pivot angle between the display and joint is set at a recommended angle of elevation. Also, the method of removing the display (for disassembly to store or package) from the stand would be accomplished by lifting the display out of the fitting part (any portion of the display used to grip would function as a handle) after applying a force on the anti removal device (via 5).

Claims 44 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeong et al. in view of official notice. Jeong et al. et al. fails to disclose the display unit as having semicircular speakers on the left and right of the display. However, the Examiner is providing official notice that it is common in the art for flat displays to have semicircular speakers for projecting sound from the display or device the display is attached to and it would be obvious to one of ordinary skill in the art to provide the speakers on the display taught by Jeong et al. to project sound from the display or device to which the display is attached. Jeong et al. also fails to disclose a cushioning

member, such as rubber on the fitting part. However, the Examiner is providing official notice that it is common in the art to provide rubber as a cushioning/friction member between contacting parts, and it would be obvious to one of ordinary skill in the art to provide a cushioning member on the fitting part to cushion the engaged portions of the stand.

Claims 60 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeong et al. in view of Helgeland, and in further view of official notice. Jeong et al. et al. in view of Helgeland fails to disclose the display unit as having semicircular speakers on the left and right of the display. However, the Examiner is providing official notice that it is common in the art for flat displays to have semicircular speakers for projecting sound from the display or device the display is attached to and it would be obvious to one of ordinary skill in the art to provide the speakers on the display taught by Jeong et al. in view of Helgeland to project sound from the display or device to which the display is attached. Jeong et al. in view of Helgeland also fails to disclose a cushioning member, such as rubber on the fitting part. However, the Examiner is providing official notice that it is common in the art to provide rubber as a cushioning/friction member between contacting parts, and it would be obvious to one of ordinary skill in the art to provide a cushioning member on the fitting part to cushion the engaged portions of the stand.

***Allowable Subject Matter***

Claims 80-83, 99, and 100 are allowed.



### ***Response to Arguments***

Applicant's arguments with respect to claims 38-41, 43-45, 47, 48, 50, 51, 53, 54, 56, 58-64, 66, 67, and 90-98 have been considered but are moot in view of the new ground(s) of rejection. Applicant argues that the fitting part (23) of Jeong is not removable from the stand/pillar structure (25) because there is no disclosure that the part is removed. However, Jeong makes specific reference to the pillar/structure and stand as separate parts (column 3, lines 6-8). Therefore, even assuming that there is some undisclosed arrangement that prevents removal after assembly, at the very least, the fitting part is inserted into the stand at some point during assembly. If the two parts can be assembled, they can also be disassembled.

In response to applicant's argument that Jeong does not disclose a second usage mode, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEVEN M. MARSH whose telephone number is (571)272-6819. The examiner can normally be reached on 8:30 am - 7:00 pm (Monday-Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J Allen Shriver can be reached on 571-272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. ALLEN SHRIVER II/  
Supervisory Patent Examiner, Art Unit 3632

/S. M. M./

Examiner, Art Unit 3632

May 21, 2010